

I. GENERAL PROVISIONS

- a. Scope.** This agreement encompasses any and all documents provided in electronic format (hereinafter referred to as “ESI data”), including documents that are physically stored that are converted to an electronic format before production and/or electronically created and stored documents. Careful consideration should be given to the methodology, implementation and documentation of ESI collection to ensure that all responsive data and metadata are preserved in the collection process.
- b. Search Terms.** The parties agree to meet and confer to identify key word search terms, data restrictions, and any custodians who may have documents responsive to each party’s discovery requests. The agreed search terms will be shared between the parties but will not be filed with this Court.
- Additionally, the parties recognize that as the litigation evolves, there may be a need to supplement earlier agreed methods or search terms to enhance or improve the identification of potentially relevant ESI. Accordingly, the parties shall meet and confer as needed to facilitate the reasonable identification of potentially relevant ESI.
- c. Specification Modifications.** Any non-duplicative responsive data or documents that exist in locations or native forms not discussed in these Production Specifications remain responsive and, therefore, arrangements should be made to facilitate their production.
- d. Privilege Log.** The privilege log shall provide, along with other pertinent information about the document withheld or redacted, all bases for a claim of

privilege in accordance with the Federal Rules of Civil Procedure. Parties should produce privilege logs in an electronic and easily searchable format in a reasonable time after production.

- e. **No Waiver.** The parties to this agreement and their attorneys do not intend by this agreement to waive their rights to any privileges to which they are entitled to claim under applicable law. Nothing herein shall be construed to affect the discoverability or admissibility of any document. All objections to the discoverability or admissibility of any such document or information are preserved and may be asserted at any time.

f. **Definitions for Metadata Fields.**

(a) “document” means any writing however recorded, including handwriting, typewriting, printing, photographing, photocopying, transmitting by electronic mail or facsimile and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds or symbols or combinations thereof, and any record created thereby, regardless of the manner in which the record has been stored, and also specifically includes Electronically Stored Information and Hard-Copy Documents.

(b) “email” means electronic messages sent using electronic mail protocols (e.g., IMAP, SMTP).

(c) “instant message” means a non-e-mail form of electronic messaging, including messages sent via text, social media platforms (e.g., Facebook, Instagram, Tik Tok, X formerly known as Twitter), and group messaging

applications (e.g., Slack, Cisco Jabber, Microsoft Teams, Signal, Google Chat, SMS, MMS, DMs).

(d) “e-attachment” means files that are attachments to emails.

(e) “e-document” means a word processing, spreadsheet, presentation, image or other file (other than email) stored or transmitted in electronic form.

(f) “Native document” means an email, e-document or e-attachment in the original file format which it was generated and/or as used by the producing party in the usual course of its business and in its regularly conducted activities. For example, the native format of an Excel workbook is a .xls or .xlsx file

g. Metadata Fields. The following are the metadata fields that shall be produced, to the extent they exist, and should be provided in the data load file at the same time that the TIFF images are produced. However, metadata is not required for videos, photos, and instant messages:

Field Name	Field Description	Populated For	Example Value or Format
ProdBeg	Production number of the first page of the document	All documents	[Prefix]-0000001
ProdEnd	Production number of the last page of the document	All documents	[Prefix]-0000002
BegAttach	Production number of the first document of the document family	All documents	[Prefix]-0000001

EndAttach	Production number of the last page of the last document of the document family	All documents	[Prefix]-0000004
Custodian/Source	Name of person or source from whom documents/files were collected	All documents	John Smith, Human Resources Department, etc.
FileName	The file name of the document, including document extension	Email, e-documents, and e-attachments	Agenda.docx
FilePath	The directory structure of the original file(s). If a file is inside of a container, the container name is included in the path	Email, e-documents, and e-attachments	C:\My Documents\Agenda.docx
Attachment Name	The file name(s) of the produced documents attached to emails or e-documents. Multiple files should be delimited by a semicolon.	Email, e-documents	
NativeFile	Representing that file is produced in Native format	Native documents	
EmailSubject	Subject line of email message	Email	
To	All recipients that were included on the "To" line of the email	Email	"John Smith" <johnsmith@gmail.com>

From	The sender of the email	Email	"John Smith" <johnsmith@gmail.com>
CC	All recipients that were included on the "CC" line of the email	Email	"John Smith" <johnsmith@gmail.com>
BCC	All recipients that were included on the "BCC" line of the email	Email	"John Smith" <johnsmith@gmail.com>
DateSent	The date the email was sent	Email	MM/DD/YYYY
TimeSent	The time the email was sent. If time sent is included as part of the DateSent, this field is unnecessary	Email	HH:MM [AM/PM]
DateRcvd	The date the email was received	Email	MM/DD/YYYY
TimeRcvd	The time the email was received. If time sent is included as part of the DateRcvd, this field is unnecessary	Email	HH:MM [AM/PM]
MsgID	Email system identifier assigned by the host email system. This value is extracted from parent message during processing	Email	
MsgHeader	The message header of the email	Email	

Conversation Index	The conversation index value for email (e.g. MS Exchange message id)	Email	
Company	The email domain name	Email	
ParentID	ProdBeg number of the parent document	Native documents, email, e-documents, and e-attachments	
AttID	ProdBeg number of the attached document	Native documents, email, e-documents, and e-attachments	
DateCreated	The date the file was created	e-documents and e-attachments	MM/DD/YYYY
TimeCreated	The time the file was created	e-documents and e-attachments	HH:MM [AM/PM]
Title	Any value populated in the Title field of the document properties.	Native documents, email, e-documents and e-attachments	
Subject	Any value populated in the Subject field of the document properties.	e-documents and e-attachments	

DocType	Descriptor for the type of Document. “Email” for all emails, “E-Document” for electronic Documents not attached to e-mails; “E-attachment” for files that were attached to emails; and “Hard Copy” for Hard-Copy Documents.	All documents	Email, e-attachment, Hard Copy, etc.
FileSize	Size (in bytes) of the original file	e-documents and e-attachments	50kb
Author	Any value populated in the Author field of the document properties.	e-documents and e-attachments	John Smith
MD5Hash	Checksum for a file, a 128-bit value	Email, e-documents, and e-attachments	
Page Count	Number of pages in the document	All documents	
Extension	The file extension of a document	Email, e-documents, and e-attachments	pdf, xlsx, docx, etc.
Modified By	Person who last modified or saved the item, as populated in the document properties.	e-documents and e-attachments	John Smith
Modified Time	Time the document was last modified	e-documents and e-attachments	HH:MM [AM/PM]

Modified Date	Date the document was last modified	e-documents and e-attachments	MM/DD/YYYY
PrintDate	Date the document was last printed	Email, e-documents, and e-attachments	MM/DD/YYYY
PrintTime	Time the document was last printed	Email, e-documents, and e-attachments	HH:MM [AM/PM]

Each of the metadata and coding fields set forth above that can be extracted from a document shall be produced for that document. The parties are not obligated to populate manually any of the fields if such fields cannot be electronically extracted from a document or electronically collected from its repository. The parties reserve the right to show cause and request native files.

- h. De-duplication.** The parties may de-duplicate their ESI production across custodial and non-custodial data sources after disclosure to the requesting party.
- i. Costs.** Generally, the costs of discovery shall be borne by each party. However, the parties reserve the right to move the Court to apportion the costs of electronic discovery upon a showing of good cause.
- j. No Modifications.** This agreement may not be enlarged, modified, or altered except in a writing signed by each party to this agreement. Either party may move the Court at any time to modify the provisions of this stipulation for good cause shown.

II. PRODUCTION OF PHYSICALLY STORED INFORMATION

- a. Imaging.** Hardcopy paper documents shall be scanned as single-page, Group IV compression TIFF images using a print setting of at least 300 dots per inch (DPI). Each single-page image shall be named and branded with its unique Bates number. Alternatively, hardcopy documents may be produced as PDF images with corresponding text files as required under § II.b. below. TIFFs will show any and all text and images as printed from the native software that created the document.
- b. Text Files.** For each document, a single document-level text file (.txt.) shall be provided along with the image files and metadata. The text file name shall be the same as the Bates and/or control number of the first page of the document. File names shall not have any special characters or embedded spaces. All electronic text must be extracted directly from the native electronic file unless the content was redacted, a non-text image file, or a physical file.
- c. Database Load Files/Cross-Reference Files.** Documents shall be provided with (a) a .dat delimited metadata file and (b) an .opt image load file.
- d. Paper and Hard-Copy Files.** Electronic documents and data will not be produced in paper format without also providing all electronic metadata and imaging, as described above.
- e. Bates Numbering.** All images and/or Native files must be assigned a Bates/control number that always shall: (1) be unique across the entire document production, (2) maintain a constant length (zero/0-padded) across the entire production, (3) contain no special characters or embedded spaces, and (4) be

sequential within a given document. If a Bates number or set of Bates numbers is skipped in a production, the producing party will disclose the Bates numbers or ranges in a cover letter accompanying the production.

- f. Attachments - Parent-Child Relationships.** Parent-child relationships (the association between an attachment and its parent document) shall be preserved to the extent possible. When attachments and embedded files are combined with their parent documents, the "BegAttach" and "EndAttach" fields, listing the unique beginning and ending number for each attachment or embedded document, must be included in the data load file.
- g. Unitizing of Paper Documents.** Best efforts will be made to preserve physical document and family boundaries as collected or logically determine distinct document and family boundaries.

III. PRODUCTION OF ELECTRONICALLY STORED INFORMATION

- a. Culling.** The parties will use all good faith efforts to search for and produce documents not deemed privileged and shall meet and confer to disclose and discuss any methodology or technologies being employed by each party that reduce the number of documents to be reviewed in the discovery process.
- b. Email.** Email, messages, calendar items, tasks, and contacts shall be collected from the producing party's email store (e.g., MS Exchange, Lotus Notes) or the producing party's inbox.
- c. Embedded Objects.** Embedded documents within documents, excluding email attachments, shall be produced as native files maintaining a parent-child relationship and sequential Bates numbering.

- d. Compressed files.** Compression file types (i.e., .CAB, .GZ, .TAR, .Z, .ZIP) shall be decompressed so that a zip within a zip is decompressed into the lowest possible compression resulting in individual folders and/or files. The documents within these compressed file types shall conform to the production with all imaging, Bates-numbering, pagination, and text files as laid out below.
- e. Imaging.** Each document shall be produced as a single-page, TIFF image. Each single-page image shall be named and branded with its unique Bates number. TIFFs will show any and all text and images as printed from the native software that created the document.
- f. Text Files.** For each document, a single document-level text file (.txt) shall be provided along with the image files and metadata. The text file name shall be the same as the Bates and/or control number of the first page of the document. File names shall not have any special characters or embedded spaces. All electronic text must be extracted directly from the native electronic file unless the content was redacted, a non-text image file, or a physical file.
- g. Database Load Files/Cross-Reference Files.** Documents shall be provided with (a) a .dat delimited metadata file and (b) an .opt image load file.
- h. Spreadsheets.** Spreadsheets shall be produced as a native document file, with an accompanying TIFF placeholder, named by a unique Bates number that immediately follows its parent document or precedes its children. Spreadsheets will be produced with the extracted text and relevant metadata identified above. Alternatively, if a spreadsheet needs to be redacted, the parties may produce an image of the spreadsheet with all worksheets, fields and rows unhidden, fully

expanded and printed over and then down if the width is wider than one sheet. If the spreadsheet is produced as a static image, all pages will be Bates-stamped and the document shall be produced as described above.

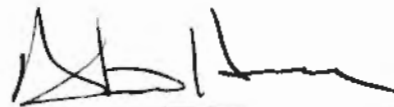
- i. Microsoft PowerPoint or other slide programs.** PowerPoint or other slide program presentations shall be produced in both native format and TIFF format, and shall be processed with hidden slides and all speaker notes unhidden. They shall be processed to show both the slide and the speaker's notes on the TIFF image.
- j. Structured Data.** To the extent a response to discovery requires production of discoverable electronic information contained in a database, the producing party shall consider methods of production best providing all relevant information, including but not limited to generation of relevant reports, duplication of databases, or limited access to the database. Parties should consider whether all relevant information may be provided by querying the database for discoverable information and generating a report in a reasonably usable and exportable electronic file (for example, Excel or CSV format). If that format is agreed upon, a document reference sheet can be requested if the purpose and meaning of the tables and headers are not immediately apparent.
- k. Audio and Video Files.** All audio files and video files shall be produced in native or comparable format with an accompanying TIFF placeholder, named by a unique Bates number that immediately follows its parent document.
- l. Instant Messages.** Instant messages can be produced as screenshots and need not be produced in native format.

m. Additional ESI Production Protocols.

- i. File Size Limitation/Non-Standard Files. The format of production of unusually large files and non-standard electronic files, large oversized documents (e.g., blueprints), etc., may be discussed before production to determine the optimal production format.
- ii. Color. Except as noted in paragraph m(i) above, with notice to the receiving parties, documents containing color should be produced in color. If producing a document originally containing color is overly burdensome, the parties agree to meet and confer in good faith to as to producing black-and-white versions of the relevant documents.

However, if an original document contains color necessary to understand the meaning or content of the document, the producing party will honor reasonable requests for a color image of the document.
- iii. Files Not Conducive to Printing. Files that are not conducive to printing may be produced in native format (e.g., Excel spreadsheets, Access Database files, AutoCAD, and Microsoft Project files). Documents produced in native format shall be included in the database load file along with a Bates numbered image stating that the document is produced in native format and with extracted text in a document-level text file.

SO ORDERED: December 13, 2024



Andrew Hanen
United States District Judge